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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

CALVARY CHAPEL DAYTON VALLEY

Plaintiff,

vs.

STEVE SISOLAK, in his official capacity  
as Governor of Nevada, et al.,

Defendants.

Case No. 3:20-cv-00303-RFB-VCF

**OPPOSITION TO PLAINTIFFS'  
MOTION AND MEMORANDUM IN  
SUPPORT FOR LEAVE TO FILE  
POST-HEARING SUPPLEMENTAL  
BRIEF (ECF NO. 41)**

The State Defendants respectfully oppose Calvary Chapel Dayton Valley's ("Calvary") motion for leave for post-hearing supplemental briefing (ECF No. 41).

Defendants understand that that Calvary disagrees with the court's preliminary decision following Tuesday's hearing. However, the supplemental brief is a premature motion for reconsideration of the written order forthcoming from the court. Under such circumstances, this court should deny leave for further supplemental briefing.

Brief review of the proposed supplement does not raise anything new that would change the court's preliminary decision.

*First*, the provision of Directive 021 addressing live entertainment events was addressed by the court at Tuesday's hearing, after being quoted in full in Defendants' opposition. ECF No. 29 at 6:12-20. More pictures that Calvary argues demonstrate

1 violation of Directive 021 does not demonstrate a pattern of differential enforcement that  
2 may warrant a renewed motion pursuant to the court's preliminary ruling.<sup>1</sup>

3       *Second*, pictures from the primary election ignore Nevada's significant efforts to  
4 reduce in-person voting in light of COVID-19, including the cooperative effort by the  
5 Secretary of State and each county clerk to mail ballots to each active registered voter.  
6 See <https://www.nvsos.gov/sos/Home/Components/News/News/2823/23> (detailing mail  
7 primary plan). The Secretary of State's mail election efforts withstood multiple court  
8 challenges. See *Paher, et al. v. Cegavske, et al.*, Case No. 3:20-cv-00243-MMD-WGC at ECF  
9 No. 57 (denying first motion for temporary restraining order) and ECF No. 83 (denying  
10 second motion for temporary restraining order); *Corona, et al. v. Cegavske, et al.*, Case No.  
11 20 OC 00064 1 B (1st Jud. Dist. Ct. Nev.). Again, these pictures do not show a pattern of  
12 differential enforcement warranting a renewed motion pursuant to the court's preliminary  
13 ruling.

14       *Third*, under the guise of clarifying what it considers to be a facial challenge, Calvary  
15 simply seeks to reassert arguments that the court already rejected at Tuesday's hearing.  
16 To the extent Calvary disagrees with the court, it should seek reconsideration or appeal  
17 the written decision, rather than coerce an additional round of briefing on a decided issue.

18       Under these circumstances, leave should not be granted for filing a post –hearing  
19 supplemental brief.

20       Dated: June 11, 2020.

21                                   AARON D. FORD  
22                                   Attorney General

23                                   By: /s/ Craig A. Newby  
24                                   CRAIG A. NEWBY (Bar No. 8591)  
25                                   Deputy Solicitor General  
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27       <sup>1</sup> As noted in Defendants' Response to Supplement, regulatory authority over gaming  
28 establishments lies with the Gaming Commission and it would be inappropriate for  
Defendants to comment on whether or what discipline may occur premised on these  
pictures. ECF No. 39 at 5:28-28.

**CERTIFICATE OF SERVICE**

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on this 11th day of June, 2020, I electronically filed the foregoing document, **OPPOSITION TO PLAINTIFFS' MOTION AND MEMORANDUM IN SUPPORT FOR LEAVE TO FILE POST-HEARING SUPPLEMENTAL BRIEF (ECF NO. 41)**, with the Clerk of the Court by using the CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

/s/ Kristalei Wolfe  
Kristalei Wolfe  
State of Nevada,  
Office of the Attorney General